

ARGUMENT

35 USC 112

Rejection 1 (points 2, 3 and 4). The Office Action rejected the claims under 35 USC 112 for use of the term activated. The new claims do not use the term activated, but specifically call out the flame retardant, thus overcoming the rejection.

Rejection 2 (point 3). The Office Action rejected the claims under 35 USC 112 for the use of the terms plastic resin, engineering resin and thermoset resins. The new claims do not use these terms thus overcoming the rejection.

35 USC 103

Rejection 3. The Office Action rejected the claims under USC 35 103(a) as being unpatentable over Wesch et al, US Patent No. 4,762,746 in view of Quenzi et al, US Patent No. 4,505,632, Keogh et al, US PreGrant Patent Publication No. 2002/0098357 and Breant US Patent No. 6,025,423.

First, it is noted that the secondary reference is not Quenzi, but Maurer, US Patent No. 4,515,632 as discussed with the Examiner on April 9, 2008.

While the new claims have not been examined in view of the cited art, Applicants offer the following observations to help advance the prosecution.

The new claims are patently distinct over Wesch et al for the following reasons – the compositions of Wesch et al contain halogenated compounds (Ex 1, component A (c) and col 6, line 26, and col 7, line 1) the claimed compounds are halogen free. The claimed composition contains a polyolefin, there are no polyolefins in Wesch et al.

The new claims are patently distinct over Maurer et al. As noted in the Office Action, Maurer et al claims an activated ammonium polyphosphate reacted with melamine (col 2, lines 24 – 27). Therefore, Maurer et al does not contain the requisite melamine compounds in isolation. Additionally, Maurer et al does not disclose the polyolefins.

As noted in the Office Action, Keogh et al discloses a protective wrap to go around the insulation of the cable. The protective wrap is the flame retardant and is in the second layer 14, [para 30] that is coated or impregnated. The coating or impregnation substrate is not a polyolefin. While Keogh et al discloses a non-halogenated flame retarded polyolefin, that composition is distinct from the coating containing the melamine compounds. Non-halogenated flame retardants are noted in Breant et al, such as inorganic fillers (col 4, lines 52-58). As noted in the Office Action, the intumescent coating is comprised of a thermoset resin which is not claimed in the current claims. Therefore, a polyolefin comprising the melamine is not disclosed in Keogh et al.

Breant teaches that the flame retardant be outside the polyethylene phase (Abstract) while by necessity the flame retardant of the claimed invention is within the polyolefin phase. Breant et al only lists melamine in its cyanurate form (Col 5, line 3), a form not claimed in the new claims. Breant et al also specifically contemplates the use of halogens – col 5, line 8-12).

As is evident in the above review, the current claims are novel over the cited prior art, and Applicants believe non-obvious as well. It is believed that the arguments overcome all the objections and rejections and that the claims are in position to be allowed over the prior art. A notice of allowance is respectfully requested.

Respectfully submitted,

/Edwin A. Sisson, 48,723/

Edwin A. Sisson
Attorney for Applicant(s)

Edwin A. Sisson, Patent Attorney
Reg. No. 48,723
Edwin A. Sisson, Attorney at Law, LLC
PO BOX 603
Sharon Center, Ohio 44274-0603
Telephone: (330) 598-1063
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